

In re: Leroy Eldred Simmons, Jr.
Carolyn Ann Simmons

)
)

Case No: 14-32532

OBJECTION TO CONFIRMATION

COMES NOW, Carl M. Bates, Chapter 13 Trustee, and moves this Court to deny confirmation of the Chapter 13 Plan filed on February 16, 2015, for the cause as follows:

1. The Debtor filed this Chapter 13 Petition on May 7, 2014 under 11 U.S.C. Chapter 13, now pending in the United States Bankruptcy Court, Eastern District of Virginia, Richmond Division.
2. This Objection is filed pursuant to 11 U.S.C. 1325.
3. The Trustee requests the debtors show a change in circumstances to merit a reduction of funding paid to the unsecured claimholders. In the last objection, the Trustee requested six months of pay stubs prior to the date of the modified plan, to include but not be limited to the last stub for 2014 to show the year end income of both debtors, the Trustee has only received those stubs for one debtor. The Trustee would suggest these documents be sent to his office for review to enable him to analyze the income requirements of this case.

WHEREFORE, for the reasons stated herein, the Chapter 13 Trustee respectfully moves the Court to deny confirmation of the Debtor's proposed Chapter 13 Plan as filed with the Court, and for such further and other relief as in the premises may seem just.

Date: April 8, 2015

/s/Susan H. Call

Susan H. Call

Counsel for Chapter 13 Trustee

Susan H. Call
P.O. Box 1819
Richmond, VA 23218-1819
(804) 237-6800
VSBN 34367

Certificate of Service

I hereby certify that on April 8, 2015, I have mailed or hand-delivered a true copy of the foregoing Objection to Confirmation to the debtor(s), Leroy & Carolyn Simmons, Jr., P.O. Box 89, Freeman, VA 23856, and electronically sent to debtor's attorney, Robert B. Duke, Jr., rdukelaw@gmail.com.

/s/Susan H. Call

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Counsel for Chapter 13 Trustee

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NOTICE OF OBJECTION TO CONFIRMATION

Carl M. Bates, Chapter 13 Trustee, has filed papers with the Court objecting to confirmation of your Chapter 13 Plan, which was filed in this case.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one).

If you do not want the Court to grant the relief sought in the Objection, or if you want the Court to consider your views on the Objection, then on or before five (5) business days before the date of the hearing, you or your attorney must:

File with the Court, at the address shown below, a written response pursuant to Local Bankruptcy Rule 9013-1(H). If you mail your response to the Court for filing, you must mail it early enough so the Court will receive it on or before the date stated above.

Clerk of Court
United States Bankruptcy Court
1100 East Main Street, Suite 310
Richmond, VA 23219-3515

You must also mail a copy to:

Carl M. Bates
Chapter 13 Trustee
P.O. Box 1819
Richmond, VA 23218

Attend the Hearing scheduled to be held on April 15, 2015, at 9:10 A.M., at the U.S. Bankruptcy Court, U.S. Courthouse Annex, 701 E. Broad Street, Suite 5100, Richmond, VA, 23219.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the Objection and may enter an order granting that relief.

Date: April 8, 2015

/s/Susan H. Call
Susan H. Call
Counsel for Chapter 13 Trustee

Susan H. Call
P.O. Box 1819
Richmond, VA 23218-1819
(804) 237-6800
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I hereby certify that I have this 8th day of April 2015, mailed or hand-delivered a true copy of the foregoing Notice of Objection to Confirmation to the debtor(s) Leroy & Carolyn Simmons, Jr., P.O. Box 89, Freeman, VA 23856, and electronically sent to debtor's attorney, Robert B. Duke, Jr., rdukelaw@gmail.com.

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